

REMARKS

By way of summary, Claims 1, 2 and 5 – 38 are pending in this application. Claims 10-16, 23 and 31-37 that were previously withdrawn are being canceled herein without any prejudice or disclaimers. Claims 8 and 38 are also canceled without any prejudice or disclaimers. Accordingly, Claims 1, 2, and 5 – 7, 9, 17 – 22 and 24 – 30 remain pending.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that Claims 8 and 38 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended independent Claim 1, from which Claim 8 depends, to include the limitation recited by Claim 8. Applicant has also amended Claim 22, from which Claim 38 depends, to include the limitation recited by Claim 38. Thus, Claims 8 and 38 are canceled without any prejudice or disclaimers.

In view of the above, Applicant requests the Examiner to withdraw objections to Claims 1 and 22 and allow them to issue.

Rejection Under 35 USC § 102

The Office Action rejects Claims 1, 2, 5 – 7, 9, 17, 18, 20, 22 and 24 – 30 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication 2001/0043396 to Lee. As discussed above Claims 1 and 22 are amended by including the feature recited by Claims 8 and 38 respectively. The Office Action indicates that the subject matter recited by Claims 8 and 38 is allowable. Accordingly, Claims 1 and 22 are allowable.

Claims 2, 5 – 7, 9, 17, 18, 20 and 24 -30 depend from Claim 1 and include all the features recited by Claim 1. As discussed above, Claim 1 is patentable. Thus, Claims 2, 5 – 7, 9, 17, 18, 20 and 24 -30 are also allowable.

Rejection Under 35 USC § 103

The Office Action rejects Claims 19 and 21 under 35 U.S.C. §103(a) as being unpatentable over Lee in view of U.S. Patent 6,815,065 to Argoitia. Claims 19 and 21 depend from Claim 1 and include all the features recited by Claim 1. As discussed above, Claim 1 is allowable. Thus, Claims 19 and 21 are also allowable.

Application No.: 10/587,294
Filing Date: July 24, 2006

No Disclaimers or Disavowals


Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 23, 2009

By: 
Andrew H. Simpson
Registration No. 31,469
Attorney of Record
Customer No. 20995
(949) 760-0404

8154772
112309